

PROCEEDINGS/MINUTES OF CITY COUNCIL

...May 20, 2015...

Council convened at 2:00 p.m., Mayor John Cranley Presiding. Present were Councilmembers Flynn, Mann, (In @ 2:06 p.m.) Murray, Seelbach, Simpson, Sittenfeld, Smitherman, Winburn (In @ 2:04 p.m.) and Young (In @ 2:05 p.m.).

Also in attendance were City Manager Harry Black, Asst. City Solicitor Terry Nestor and Acting Clerk of Council Brenda Williams.

Council observed a moment of silent prayer and recited the Pledge of Allegiance to the Flag.

There being no objection, Minutes of the previous session of Council were ordered Filed.

Items on the Council Calendar and items presented By-Leave were disposed of as follows:

MAYOR CRANLEY

Item #: 201500683

APPOINTMENT, submitted by Mayor John Cranley, subject to the consent of Council, I hereby recommend the appointment of Councilmember Amy Murray to represent the City of Cincinnati on the Hamilton County Transportation Improvement District Board.

*** Held one week.

Status/Recommendations:

CONFIRM

*** HELD ONE WEEK

Item #: 201500686

APPOINTMENT, submitted by Mayor John Cranley, subject to the consent of Council, I hereby recommend the appointment of Markiea Carter to the Community Development Advisory Board.

Status/Recommendations:

CONFIRM

*** CONFIRMED

MR. YOUNG	Y
MR. FLYNN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. SEELBACH	Y
MS. SIMPSON	Y
MR. SITTENFELD	Y
MR. SMITHERMAN	Y
MR. WINBURN	Y

Item #: 201500718

APPOINTMENT, submitted by Mayor John Cranley, subject to the consent of Council, I hereby recommend the appointment of Monica Hardman to the Community Development Advisory Board.

*** Held one week.

Status/Recommendations:

HELD ONE WEEK PURSUANT TO RULE OF COUNCIL

Item #: 201500684

REAPPOINTMENT, submitted by Mayor John Cranley, subject to the consent of Council, I hereby recommend the re-appointment of Kevin Finn to the Community Development Advisory Board.

Status/Recommendations:

CONFIRM

*** CONFIRMED

MR. YOUNG	Y
MR. FLYNN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. SEELBACH	Y
MS. SIMPSON	Y
MR. SITTENFELD	Y
MR. SMITHERMAN	Y
MR. WINBURN	Y

Item #: 201500685

REAPPOINTMENT, submitted by Mayor John Cranley, subject to the consent of Council, I hereby recommend the re-appointment of Bobby Maly to the Community Development Advisory Board.

Status/Recommendations:

CONFIRM

*** CONFIRMED

MR. YOUNG	Y
MR. FLYNN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. SEELBACH	Y
MS. SIMPSON	Y
MR. SITTENFELD	Y
MR. SMITHERMAN	Y
MR. WINBURN	Y

Item #: 201500717

REAPPOINTMENT, submitted by Mayor John Cranley, subject to the consent of Council, I hereby recommend the reappointment of Russ Hairston to the Community Development Advisory Board.

*** Held one week.

Status/Recommendations:

HELD ONE WEEK PURSUANT TO RULE OF COUNCIL

Item #: 201500719

REAPPOINTMENT, submitted by Mayor John Cranley, subject to the consent of Council, I hereby recommend the reappointment of Paul Diamond to the Citizen Complaint Authority.

*** Held one week.

Status/Recommendations:

HELD ONE WEEK PURSUANT TO RULE OF COUNCIL

MS. SIMPSON

Item #: 201500705

COMMUNICATION, dated 5/5/2015 submitted by Councilmember Simpson, from D. Lynn Meyers, Producing Artistic Director, thanking the City Of Cincinnati for their past support of Ensemble Theatre Cincinnati (ETC).

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201500706

RESOLUTION, dated 5/15/2015 submitted by Councilmember Simpson, RECOGNIZING Stevontay Davis for his extraordinary academic accomplishments and community service achievements, all while overcoming personal adversity; and expressing the appreciation of the Mayor and the Council of the City of Cincinnati for Stevontay's commitment to academic excellence.

Status/Recommendations:

PASS

*** PASSED 0042-2015

MR. YOUNG Y

MR. FLYNN Y

MR. MANN Y

MS. MURRAY A

MR. SEELBACH Y

MS. SIMPSON Y

MR. SITTENFELD Y

MR. SMITHERMAN Y

MR. WINBURN Y

MR. SMITHERMAN

Item #: 201500707

MOTION, dated 5/13/2015 submitted by Councilmember Smitherman, I MOVE that the Administration provide a report to the Law and Public Safety Committee that details the following: 1. The Administration's protocol for responding to police-involved shootings; 2. The Cincinnati Police Department's policies and protocols for police-involved shootings; 3. The Administration's plan for advising City elected leaders, the public and the media in the event of such an incident; (STATEMENT ATTACHED)

Status/Recommendations:

LAW & PUBLIC SAFETY COMMITTEE

Item #: 201500716

MOTION, dated 5/20/2015 submitted by Councilmember Smitherman, I MOVE that pending Section Road rezoning ordinances (item numbers 201500638 and 201500639)

be referred back to the Planning Commission to consider whether it might choose one of the two ordinances to recommend to Council and to allow the applicant, the neighborhood and any other stakeholders to further consider their options and have more time to work towards a common solution. (STATEMENT ATTACHED)

Status/Recommendations:

ECONOMIC GROWTH & INFRASTRUCTURE COMMITTEE

Item #: 201500708

RESOLUTION, dated 5/18/2015 submitted by Councilmember Smitherman, RECOGNIZING and expressing the appreciation of the Mayor and the Council of the City of Cincinnati to the Edyth B. and Carl H. Lindner, Jr. family for their \$10 million gift to the Greater Cincinnati Foundation for the Music Hall restoration and revitalization project.

Status/Recommendations:

ECONOMIC GROWTH & INFRASTRUCTURE COMMITTEE

MR. WINBURN
MR. FLYNN
MR. SEELBACH
MS. SIMPSON
MR. SITTENFELD
MR. SMITHERMAN
MR. YOUNG
MR. MANN

Item #: 201500710

MOTION, dated 5/13/2015 submitted by Councilmembers Winburn, Flynn, Seelbach, Simpson, Sittenfeld, Smitherman, Young and Vice Mayor Mann, WE MOVE that the Cincinnati City Council direct the City Manager to conduct a city-wide review of all city parking meters with view toward the following: 1. To make certain that all parking meters are handicap accessible. 2. To make certain all city parking meters can be utilized by citizens who are less than five (5) feet tall. (STATEMENT ATTACHED)

Status/Recommendations:

NEIGHBORHOODS COMMITTEE

CITY MANAGER

Item #: 201500549

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 4/29/2015, approving and authorizing the City Manager to execute a Community Reinvestment Area Tax LEED Tax Exemption Agreement with The Children's Theatre of Cincinnati, thereby authorizing a 12-year tax exemption for 100% of the value of the improvements made to real property located at 4015 Red Bank Road in Oakley statistical neighborhood approximation and within the boundaries of the

Hyde Park neighborhood as designated by Hyde Park Neighborhood Council in connection with the commercial remodeling of the existing building on such property, which remodeling shall be completed in compliance with Leadership in Energy and Environmental Design Silver, Gold, or Platinum standards (as defined by the U.S. Green Building Council) at a total remodeling cost of approximately \$2,782,516.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201500678

ORDINANCE (EMERGENCY) submitted Harry Black, City Manager, on 5/13/2015, establishing new Chapter 838 of the Cincinnati Municipal Code entitled "Outdoor Refreshment Areas," to provide the procedure by which a specific area of the City may be designated as an outdoor refreshment area, as provided for in Chapter 4301.82 of the Ohio Revised Code.

Status/Recommendations:

LAW & PUBLIC SAFETY COMMITTEE

Item #: 201500688

ORDINANCE submitted by Harry Black, City Manager, on 5/20/2015, authorizing the City Manager to apply for a grant of up to \$15,000 from the Urban Sustainability Director's Network to provide funding for a project that would support a regional network to disseminate and implement best practices in Urban Agriculture.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201500689

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 5/20/2015, to dedicate, accept, and confirm the dedication of 0.0149 acre of City-owned real property known as Auditor's parcel number 115-3-185-90 to public use for street purposes as an addition to Clinton Springs Avenue in accordance with the plat entitled "Dedication Plat" "A Portion of Clinton Springs Ave."

Status/Recommendations:

NEIGHBORHOODS COMMITTEE

Item #: 201500692

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 5/20/2015, approving and authorizing the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with Central Y Senior Apartments, LLC, thereby authorizing an 8-year tax exemption for 100% of the value of the improvements made to real property located at 1105 Elm Street in the Over-the-Rhine neighborhood of Cincinnati in connection with the remodeling of the building

located on such real property, which remodeling shall be completed at a total construction cost of approximately \$7,174,410.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201500693

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 5/20/2015, amending Ordinance No. 119-2007 regarding the application of Community Reinvestment Area Tax Exemptions, as amended by Ordinance No. 43-2014, to create incentives for remodeling and constructing residences that obtain Living Building Challenge certification; and REPEALING Ordinance No. 43-2014, passed by Council on March 26, 2014.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201500694

ORDINANCE submitted by Harry Black, City Manager, on 5/20/2015, authorizing the transfer of the sum of \$3,000 from the General Fund contractual services account no. 050x018x7200 to the General Fund personnel services account no. 050x018x7100 for the purpose of adjusting the office budget of Councilmember Amy Murray.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201500695

ORDINANCE submitted by Harry Black, City Manager, on 5/20/2015, authorizing the City Manager to apply for a Transportation Investment Generating Economic Recovery (TIGER) Grant (CFDA #20.933) from the United States Department of Transportation in an amount up to \$32,950,000 for the Elmore Bridge Connector project.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201500699

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 5/20/2015, authorizing the transfer and appropriation of \$50,000 from the Lump Sum Reimbursement personnel expense account 050x924x7500 to the Police and Fire Fighters' Insurance non-personnel account 050x922x7400 for the purposes of paying additional death benefits for the remainder of FY 2015.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201500700

ORDINANCE submitted by Harry Black, City Manager, on 5/20/2015, authorizing the City Manager to execute a Property Sale and Development Agreement with Al. Neyer, LLC and Vandercar, LLC for the sale and development of approximately 3 acres of land located at 3520 Ibsen Avenue in the neighborhood of Oakley in Cincinnati.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201500703

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 5/20/2015, authorizing the transfer and return to source of the sum of \$69,365.23 from capital improvement program project account number 980x253x132502, "Wheeled Trash Carts," to the Automotive and Other Equipment Bond Fund 864; and AUTHORIZING the transfer and appropriation of the same sum of \$69,365.23 from the unappropriated surplus of the Automotive and Other Equipment Bond Fund 864 to existing capital improvement program project account number 980x253x11601, "Trash Receptacles," for the purpose of providing resources to replace trash receptacles in various neighborhoods of the City.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201500704

ORDINANCE submitted by Harry Black, City Manager, on 5/20/2015, extending Interim Development Control District No. 77, "University Impact District," in the CUF neighborhood, as an interim development control district for a period of nine months pursuant to Chapter 1431, "Interim Development Control Overlay Districts," of the Cincinnati Zoning Code.

Status/Recommendations:

NEIGHBORHOODS COMMITTEE

Item #: 201500709

ORDINANCE submitted by Harry Black, City Manager, on 5/20/2015, establishing the classification and salary range schedule for the new employment classification of Deputy Director of Economic Inclusion and enacting new Section 534 of Division 5, Chapter 307 of the Cincinnati Municipal Code, consistent with the organizational changes described herein.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201500671

REPORT, dated 5/20/2015, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Allison D. Shannon DBA Coffee N Cream, 2313 Vine Street. (#8043350, New, C1, C2) [Objections: Cincinnati Police Department and Clifton Business Association]

Status/Recommendations:

FILE

*** FILED

Item #: 201500672

REPORT, dated 5/20/2015, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for TTD Business Group LLC DBA Sky Boxx Sports Bar, 5052 Glencrossing Way. (#90815250005, New, D3, D3A) [Objections: None]

Status/Recommendations:

FILE

*** FILED

Item #: 201500673

REPORT, dated 5/20/2015, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Jean Robert De Cavel at Edge Cliff LLC DBA (Not Listed), 2200 Victory Parkway. (#4266540, Transfer of Ownership, D5, D6) [Objections: None]

Status/Recommendations:

FILE

*** FILED

Item #: 201500674

REPORT, dated 5/20/2015, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for WFBV Ltd DBA The Harth Lounge, 125 West Fourth Street. (#9555880, Transfer Exempt, D5) [Objections: None]

Status/Recommendations:

FILE

*** FILED

Item #: 201500675

REPORT, dated 5/20/2015, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Bay Horse LLC DBA Bay Horse, 625 Main Street. (#0528185, New, D5J0) [Objections: None]

Status/Recommendations:

FILE

*** FILED

Item #: 201500676

REPORT, dated 5/20/2015, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Northside Yacht Club LLC DBA Northside Yacht Club, 4227-31 Spring Grove Avenue. (#6451250, Transfer of Ownership, D5J, D6)

[Objections: None]

Status/Recommendations:

FILE

*** FILED

Item #: 201500677

REPORT, dated 5/20/2015, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for LMN Restaurant Group LLC DBA E & O Kitchen, 3520 Edwards Road. (#4266540, Transfer of Ownership & Location, D1, D2, D3, D3A, D6)

[Objections: None]

Status/Recommendations:

FILE

*** FILED

Item #: 201500679

REPORT, dated 5/20/2015, submitted by Harry Black, City Manager, regarding street calming for Tweed Avenue and Kroger Avenue.

Status/Recommendations:

NEIGHBORHOODS COMMITTEE

Item #: 201500680

REPORT, dated 5/20/2015, submitted by Harry Black, City Manager, regarding street calming for Ellison Avenue.

Status/Recommendations:

NEIGHBORHOODS COMMITTEE

Item #: 201500687

REPORT, dated 5/20/2015, submitted by Harry Black, City Manager, regarding Ohio's Online Checkbook. (SEE DOCUMENT #201500367 FOR MOTION)

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201500697

REPORT, dated 5/20/2015, submitted by Harry Black, City Manager, regarding Department of Finance Reports for Month Ended April 30, 2015.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201500696

RESOLUTION (LEGISLATIVE) submitted by Harry Black, City Manager, on 5/20/2015, the need for repairs in the neighborhood of Oakley to sidewalks, sidewalk areas, curbs and/or gutters and the levying of assessments for the cost of such repairs on the abutting properties in accordance with Cincinnati Municipal Code Sections 721-149 through 721-169.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

CLERK OF COUNCIL

Item #: 201500711

REGISTRATION, submitted by the Clerk of Council from Legislative Agent Matthew James Davis, Lobbyist, President, DSSI Advisors, LLC, 255 East Fifth Street, Suite 1900, Cincinnati, Ohio 45202. (UC HEALTH)

Status/Recommendations:

FILE

*** FILED

EDUCATION & ENTREPRENEURSHIP COMMITTEE

Item #: 201500652

ORDINANCE submitted by Harry Black, City Manager, on 5/13/2015, establishing the 2016 Urban Forestry Program Assessment Equalization Board, appointing three members thereto, and setting the time and place for hearings.

Status/Recommendations:

PASS

*** PASSED 0125-2015

MR. YOUNG	Y
MR. FLYNN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. SEELBACH	Y
MS. SIMPSON	Y
MR. SITTENFELD	Y
MR. SMITHERMAN	Y
MR. WINBURN	Y

HUMAN SERVICES, YOUTH & ARTS COMMITTEE

Item #: 201500654

MOTION, dated 5/11/2015 submitted by Councilmembers Simpson and Seelbach, WE MOVE that the Administration prepare a report outlining the feasibility, costs and timeline for implementing a paid parental leave policy for City employees, providing side-by-side comparisons of other U.S. cities providing parental leave, and taking into account all civil service rules and bargaining unit agreements. (STATEMENT ATTACHED)

Status/Recommendations:

ADOPT

*** ADOPTED

MR. YOUNG	Y
MR. FLYNN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. SEELBACH	Y
MS. SIMPSON	Y
MR. SITTENFELD	Y
MR. SMITHERMAN	Y
MR. WINBURN	Y

Item #: 201500698

MOTION, dated 05/15/2015, submitted by Councilmembers Seelbach and Simpson, that the administration provide a report listing the average pays of each classification of City employment, based on gender. The report should include any and all applicable data related to differences in pay between male and female employees of the same classification, including seniority. The report shall be due back in approximately 90 days. (STATEMENT ATTACHED)

Status/Recommendations:

ADOPT

*** ADOPTED

MR. YOUNG	Y
MR. FLYNN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. SEELBACH	Y
MS. SIMPSON	Y
MR. SITTENFELD	Y
MR. SMITHERMAN	Y
MR. WINBURN	Y

Item #: 201500626

RESOLUTION, dated 5/4/2015 submitted by Councilmember Chris Seelbach, EXPRESSING the support of the Mayor and Council for the Cities for the United Nations Convention on the Elimination of all forms of Discrimination Against Women Initiative and their support for the individual cities passing resolutions and ordinances to implement the principles of the Initiative at the local level.

Status/Recommendations:

PASS

*** PASSED 0043-2015

MR. YOUNG	Y
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MR. FLYNN	Y
MR. MANN	Y
MS. MURRAY	R
MR. SEELBACH	Y
MS. SIMPSON	Y
MR. SITTENFELD	Y
MR. SMITHERMAN	Y
MR. WINBURN	R

NEIGHBORHOODS COMMITTEE

Item #: 201500432

ORDINANCE submitted by Harry Black, City Manager, on 4/8/2015, amending the official zoning map of the City of Cincinnati to rezone the real property located at 2777 Observatory Avenue in the Hyde Park neighborhood from the SF-6, "Single Family Residential," zoning district to the OL, "Office Limited," Zoning district.

Status/Recommendations:

PASS

*** PASSED 0122-2015

MR. YOUNG	Y
MR. FLYNN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. SEELBACH	N
MS. SIMPSON	Y
MR. SITTENFELD	Y
MR. SMITHERMAN	Y
MR. WINBURN	Y

Item #: 201500433

ORDINANCE submitted by Harry Black, City Manager, on 4/8/2015, amending the official zoning map of the City of Cincinnati to rezone the real property located at 3000-3100 Reading Road, 619-637 Melish Place, 3025 Bathgate Street, 3212-3230 Reading Road, and 711 Ridgeway Avenue in the Avondale neighborhood from the CC-A, "Commercial Community-Auto," zoning district to the CC-P, "Commercial Community-Pedestrian," zoning district.

Status/Recommendations:

PASS

*** PASSED 0123-2015

MR. YOUNG	Y
MR. FLYNN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. SEELBACH	Y
MS. SIMPSON	Y
MR. SITTENFELD	Y
MR. SMITHERMAN	Y
MR. WINBURN	Y

Item #: 201500562

ORDINANCE, submitted by Mayor John Cranley, from Paula Boggs Muething, City Solicitor, on April 22, 2015, DESIGNATING a portion of the area in the

Over-the-Rhine neighborhood bounded by the east side of Central Parkway, the east side of Sycamore, the north side of Central Parkway and the south side of Liberty Street as a special parking permit area restricting parking to certain vehicles notwithstanding Cincinnati Municipal Code Chapter 514 and creating a pilot project to run through 2017.

*** Passed by council 5/6/2015. Vetoed by Mayor Cranley 5/6/2015. On calendar pursuant to the City Charter.

Status/Recommendations:

PASS

*** VETOED

MR. SMITHERMAN	N
MR. WINBURN	N
MR. YOUNG	Y
MR. FLYNN	N
MR. MANN	Y
MS. MURRAY	N
MR. SEELBACH	Y
MS. SIMPSON	Y
MR. SITTENFELD	Y

Item #: 201500610

ORDINANCE submitted by Harry Black, City Manager, on 5/20/2015, extending Interim Development Control District No. 76, West Menlo Avenue District, in the Hyde Park neighborhood, as an interim development control district for a period of nine months pursuant to Chapter 1431, "Interim Development Control Overlay Districts," of the Cincinnati Zoning Code.

Status/Recommendations:

PASS

*** PASSED 0124-2015

MR. YOUNG	Y
MR. FLYNN	N
MR. MANN	Y
MS. MURRAY	Y
MR. SEELBACH	Y
MS. SIMPSON	Y
MR. SITTENFELD	Y
MR. SMITHERMAN	Y
MR. WINBURN	Y